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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE FACEBOOK BIOMETRIC  
INFORMATION PRIVACY LITIGATION

Master Docket No.: 3:15-CV-03747-JD

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**ADMINISTRATIVE MOTION TO CONTINUE  
PRETRIAL CONFERENCE AND ASSOCIATED  
DEADLINES FOLLOWING GENERAL ORDER  
72-3**

Dept: Courtroom 11  
Judge: James Donato

Pursuant to Local Rule 7-11, Defendant Facebook, Inc. ("Facebook") respectfully requests that the Court vacate the Pretrial Conference set for June 25, 2020, in light of General Order No. 72-3.

As the Court is aware, General Order No. 72-3 provides that "[n]o new jury trial will be conducted through September 30, 2020. Any jury trial dates currently scheduled to commence during that period will be postponed or vacated." Accordingly, the earliest date when any trial can proceed in this District will be in October 2020. Facebook is mindful of the Court's standing Order

1 that states that the “Court will schedule a final pretrial conference 19 days before the start of  
 2 trial.” As such, Facebook submits that good cause exists to vacate the current June 25, 2020 pretrial  
 3 conference so that, if needed, it can be reset closer in time to any rescheduled trial date. Vacating  
 4 the pretrial conference and related deadlines will allow the parties to account for any intervening  
 5 developments in their pretrial filings and to better assess issues that cannot be resolved without  
 6 knowing when the trial will occur, like the availability of witnesses.

7 In addition, the Court is currently scheduled to address Plaintiff’s motion for preliminary  
 8 approval of the parties’ class settlement on June 4, 2020. If approved, the settlement would resolve  
 9 this matter in its entirety and obviate the need for trial and further pretrial preparation. Based on  
 10 the current June 25, 2020 pretrial conference date, the parties would need to exchange and file all  
 11 pretrial pleadings (motions *in limine*, competing jury instructions, objections to exhibit lists, etc.)  
 12 by June 11, 2020—only seven days after the preliminary approval hearing. Vacating the pretrial  
 13 conference and related pretrial filing deadlines would allow the parties to focus on preparing for  
 14 the hearing and addressing any concerns the Court might have regarding the settlement, while  
 15 avoiding the need to concurrently prepare pretrial filings for a trial that may not occur and would  
 16 not take place for months if it does.

17 I contacted counsel for Plaintiffs and confirmed that Plaintiffs do not oppose this request.  
 18 (*See* Declaration of Michael Rhodes, ¶ 2.)

19 For these reasons, Facebook respectfully requests that the Court vacate the June 25, 2020  
 20 pretrial conference and related deadlines for pretrial pleadings.

21 Dated: May 28, 2020

COOLEY LLP

22  
 23 By: /s/ Michael Rhodes

24 Michael G. Rhodes

25 Counsel for Defendant Facebook, Inc.

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